

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JULIO NEVARES,

Plaintiff,

v.

9:15-CV-0383
(GTS/ATB)

QUINTA, Correctional Officer, Watertown
Correctional Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

JULIO NEVARES

Plaintiff, *Pro Se*
c/o Carmen M. Figueroa
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Bronx, New York 10466

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Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

RYAN E. MANLEY, ESQ.
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this prisoner civil rights action filed *pro se* by Julio Nevares (“Plaintiff”) against Correctional Officer Quinta at Watertown Correctional Facility (“Defendant”), are Defendant’s motion to dismiss Plaintiff’s Complaint as a discovery sanction pursuant to Fed. R. Civ. P. 37, and United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending that Defendant's motion be granted. (Dkt. Nos. 20, 22.) None of the parties have filed objections to the Report-Recommendation and the time in which to do

so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

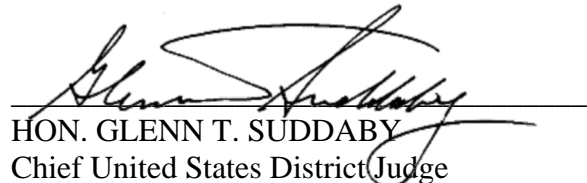
ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 22) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 37 (Dkt. No. 20) is **GRANTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**, and the Clerk of the Court shall enter Judgment for Defendant and close this action.

Dated: August 17, 2016
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).